



2026:CGHC:13218



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1622 of 2025**

1 - Dhaneshwari Toppo W/o Late Kinu Urrao Aged About 41 Years
(W/o Late Deceased) R/o Village - Budhadand, Tahsil - Pratappur,
District - Surajpur Chhattisgarh (Claimant)

2 - Banthu Ram S/o Baadi Aged About 65 Years (Father Of Deceased)
R/o Village - Budhadand, Tahsil - Pratappur, District - Surajpur
Chhattisgarh (Claimant)

3 - Mohari W/o Late Banthu Ram Aged About 62 Years (Mother Of
Deceased) R/o Village - Budhadand, Tahsil - Pratappur, District -
Surajpur Chhattisgarh (Claimant)

4 - Ropan Tirkey S/o Banthu Ram Aged About 38 Years (Brother Of
Deceased) R/o Village - Budhadand, Tahsil - Pratappur, District -
Surajpur Chhattisgarh (Claimant)

... Appellants**versus**

1 - Prahlad S/o Shri Bhogal Aged About 43 Years R/o Village - Darhora,
Tahsil - Pratappur, District - Surajpur Chhattisgarh (Driver Of The
Vehicle)

2 - Ramnarayan Jaiswal S/o Late Shri Arjun Jaiswal R/o Village -



Pratappur Babapara Ward No. 2, Tahsil - Pratappur, District - Surajpur
Chhattisgarh (Owner Of The Vehicle)

3 - Branch Manager United India Insurance Company Limited, Office Of
Bramha Road Ambikapur Near Hotel Kumkum, District - Surajpur
Chhattisgarh (Insurance Company)

... Respondents

For Appellants	:	Shri Krishnakant Prajapati, Advocate
For Respondent No.3	:	Shri Hari Bhagat Agrawal, Senior Advocate assisted by Ms. Asha Nirmalkar, Advocate
For other Respondents	:	None, despite service of notice

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

19/03/2026

- 1.** This is an appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'the MV Act') challenging the award dated 17.1.2024 passed by the Additional Motor Accidents Claims Tribunal, Pratappur, District Surajpur (for short 'Claims Tribunal') in Case No.57 of 2023.
- 2.** By the award impugned, against a claim of Rs.19,82,700, the learned Claims Tribunal has awarded a compensation of Rs.9,67,500 partly allowing the claim application filed under Section 166 of the MV Act by the appellants.
- 3.** As per pleadings of the claim application, the deceased was aged about 47 years and met with an accident on 10.12.2022 on account of rash and negligent driving of a Scorpio vehicle



bearing registration No.CG 15 B 6673 driven by respondent No.1, owned by respondent No.2 and insured with respondent No.3. As per further pleadings, the deceased was a Motor Binding Mechanic, i.e., a skilled labour and was earning Rs.12,000 per month. Thus, the above stated compensation was claimed.

4. The claim application was resisted by the respondents including the insurance company on various counts taking a plea of violation of terms and conditions of the insurance policy.
5. The learned Claims Tribunal having framed issues decided the same in favour of the appellants and awarded the above stated compensation.
6. Learned counsel for the appellants submits that the income of the deceased was found to Rs.6,000 per month which is on lower side. He was a skilled Motor Binding Mechanic and thus, fairly, the appellants have pleaded that the monthly income of the deceased was Rs.12,000, which ought to have been believed by the learned Claims Tribunal. He further submits that the compensation awarded may be enhanced suitably.
7. Learned Senior Counsel appearing for respondent No.3 opposes the submission made by learned counsel for the appellants and submits that no documentary evidence is brought on record with regard to profession and income of the deceased. Thus, the finding recorded by the learned Claims Tribunal is correct and just compensation has been awarded.



8. I have heard learned counsel appearing for the parties and perused the record of the learned Claims Tribunal with due care.
9. The date of accident was 10.12.2022. The deceased was said to be a Motor Binding Mechanic which appears to be a skilled labour. He was aged about 47 years and his wife, two aged parents were dependent upon him. Though appellant No.4, who is the brother of the deceased, is said to have been dependent upon the deceased, but, in the opinion of this Court, he cannot be said to be dependent upon the deceased. Thus, taking into consideration the date of accident, age of the deceased, nature of his job and minimum wages, this Court is inclined to take notional monthly income of the deceased to Rs.10,000.
10. In the light of the judgments of the Hon'ble Supreme Court rendered in the matters of **National Insurance Company Ltd. v. Pranay Sethi, (2017) 16 SCC 680, Sarla Verma and others v. Delhi Transport Corporation and others, (2009) 6 SCC 121** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram and others, (2018) 18 SCC 130**, this Court recomputes the compensation in the following manner:

Sl.No.	Particulars	Amount (Rs.)
1	Annual Income (Rs.10,000 x 12 =)	1,20,000
2	Income with Future Prospects (Rs.1,20,000 x 25% Future Prospects = Rs.30,000; Rs.1,20,000 + Rs.30,000 =)	1,50,000
3	Income after Deduction of	1,00,000



	Personal and Living Expenses of the Deceased (Rs.1,50,000 / 3 = Rs.50,000; Rs.1,50,000 - Rs.50,000 = Rs.1,00,000)	
4	Loss of Dependency after Application of Multiplier (Rs.1,00,000 x 13)	13,00,000
5	Funeral Expenses	16,500
6	Loss of Estate	16,500
7	Spousal Consortium to Wife	44,000
8	Filial Consortium to Father and Mother of the Deceased (Rs.40,000 + Rs.40,000 =)	80,000
Total Compensation =		14,57,000
(-) Compensation Awarded by the Claims Tribunal =		9,67,500
Enhancement in Compensation =		4,89,500

- 11.** In view of the aforesaid analysis, the appellants/claimants are held to be entitled to an additional amount of compensation of Rs.4,89,500. The enhanced amount of compensation shall carry simple interest @ 6% per annum from the date of filing of the instant appeal till final payment of the enhanced compensation. Respondent No.3/insurance company is directed to deposit the amount of compensation as enhanced by this Court along with the interest within a period of 60 days from the date of receipt of a copy of this order. Out of the enhanced amount of compensation, a sum of Rs.3,00,000 shall be kept in a fixed deposit in a nationalised bank in the name of appellant No.1/wife of the deceased for a period of 3 years. A sum of Rs.50,000 and a sum of Rs.50,000 shall be disbursed to appellants No.2 and 3,



i.e., father and mother of the deceased, respectively. Remaining amount shall be disbursed to appellant No.1/wife of the deceased. Rest of the impugned award shall remain intact.

- 12.** Accordingly, the appeal is allowed in part and the impugned award is modified to the extent shown above.

Sd/-

(Sachin Singh Rajput)
JUDGE